

AMENDED IN ASSEMBLY MAY 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 236

Introduced by Assembly Member Bermudez

January 30, 2003

An act to add Section 2076 to the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as amended, Bermudez. Physicians and surgeons.

The Medical Practice Act provides for the licensing and regulation of physicians and surgeons by the Medical Board of California.

This bill would prohibit any person from being licensed under that act who is required to register with the police as a sex offender. The bill would require the board to promptly revoke the license of any person who becomes subject to that registration requirement. *The bill would authorize the revoked licensee, 5 years after termination of parole or probation, to petition the superior court for a license reinstatement hearing. The bill would provide that if the court finds that the individual no longer poses a possible risk to patients, the court shall order the Medical Board of California to reinstate the license, and if the court denies relief, the license revocation would remain in place.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2076 is added to the Business and
2 Professions Code, to read:

3 2076. (a) No person shall be licensed by the board pursuant
4 to this chapter who is required to register pursuant to Section 290
5 of the Penal Code, and the board shall promptly revoke the license
6 of any person who becomes subject to that section.

7 (b) *Five years after the revocation and successful discharge*
8 *from parole, probation, or both parole and probation if under*
9 *simultaneous supervision, an individual may petition the superior*
10 *court in the county in which the individual desires to practice*
11 *medicine to hold a hearing within one year of the date of the*
12 *petition, in order for the court to determine whether the individual*
13 *no longer poses a possible risk to patients. If the court finds that*
14 *the individual no longer poses a possible risk to patients, the court*
15 *shall order, in writing, the board to reinstate the individual's*
16 *license within 120 days of the date of the order. If the court finds*
17 *that the individual continues to pose a possible risk to patients, the*
18 *court shall deny relief. The court's decision shall be binding on the*
19 *individual and the medical board.*

